# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

CONTENDER FARMS, L.L.P.,	§	
LEE MCGARTLAND, MIKE	§	
MCGARTLAND and SHOW, INC.	§	
	<b>§</b>	
Plaintiffs	§	Case No
vs.	<b>§</b>	
	§	
UNITED STATES DEPARTMENT	§	
OF AGRICULTURE	§	
	§	
Defendant	§	

# Plaintiffs' Appendix of Exhibits Supporting (1) Complaint for Declaratory and Injunctive Relief, (2) Application for a Preliminary Injunction and (3) the Brief in Support.

## TABLE OF SUBMITTED APPENDIX

TAB	NUMBER DESCRIPTION	BEGINNING PAGE
1.	Protocol for Foreign Substance Penalty	1
2.	IES Investigative and Enforcement Process	2
3.	USDA Factsheet "Enforcement Process Streamlining"	3
4.	USDA Tech Note	5
5.	USDA APHIS Enforcement Actions 2010-2015	6
6	USDA's website, "Horse Protection Act"	59x
7.	"USDA-APHIS-Animal Care Horse Protection Enforcement Actions" searchable website printed 6/21/15	59

### TAB NUMBER **DESCRIPTION BEGINNING PAGE** 8. Official Warning Letters on Form 7060 138 9. "USDA APHIS | Enforcement Actions" 2010 – 2015 148 10. Email to USDA attorney, 6/8/15 215 11. McGartlands' Letter to IES, 6/12/15 224 12. IES Letter to McGartlands. 8/26/15 228 13. "USDA-APHIS-Animal Care Horse Protection Enforcement Actions: 2009-2013" list printed October 6, 2015 229 14. No Webpage Found documents 273 15. FOSH Public Database and Emails 283 SHOW's March 2008 Response to Foreign Substance Protocol 16. 293 17. USDA's Response to HIOs 295 18. SHOW's Reply to USDA 303 19. "USDA-APHIS Animal Care Horse Protection Enforcement Actions 2009-2013" list for "Foreign Substance" violations 309 20. USDA Annual Reports on Foreign Substance tests, 2008-2014 326 21. May 2013, Humane Society of the United States press release 388 22. January 2014, Humane Society of the United States press release 390 23. January 2014 report of the Performance Show Horse Association addressing "Foreign Substance Issues" 392 24. Searchable "USDA-APHIS-Animal Care Horse Protection Enforcement Actions 2009-2013" list for scar rule violations 403 25. USDA/APHIS-1, describing the USDA's record system 415 26. Investigative and Enforcement Records Regarding Regulatory Activities, USDA/APHIS 418

### **DESCRIPTION** TAB NUMBER **BEGINNING PAGE** 27. The USDA's Instructions about obtaining information 428 28. The USDA Docket No. 14-0056: decertification proceedings against SHOW 431 29. "Horse Protection Act and its Administration" summary of the Agency's administration of the Act 446 30. Cover page June 12, 2015, report: "Responsible Parties for the Horses Found in Violation" 448 31. USDA Horse Protection Program Fine Reports, June 21, 2015 450 32. USDA Horse Protection Program Active Suspension Report, June 21, 2015 460 2010 "USDA HORSE PROTECTION PROGRAM 33. Responsible Parties for Horses Found in Violation" report, June 21, 2015 465 34. 2011 "USDA HORSE PROTECTION PROGRAM Responsible Parties for Horses Found in Violation" report, June 21, 2015 695 2012 "USDA HORSE PROTECTION PROGRAM 35. Responsible Parties for Horses Found in Violation" report, June 12, 2015 870 2013 "USDA HORSE PROTECTION PROGRAM 36. Responsible Parties for Horses Found in Violation" report, June 21, 2015 1056 37. 2014 "USDA HORSE PROTECTION PROGRAM Responsible Parties for Horses Found in Violation" report, June 21, 2015 1182 USDA (IES) demand for SHOW's records 8/24/15 38. 1261 39. SHOW's response to IES demand 1262 40. David Broiles' Declaration 1267 Mike Inman's Declaration 41. 1275 Lee McGartland's Declaration 42. 1303

# Respectfully submitted by:

\_s/\_ Karín Cagle\_\_\_\_

Karin Cagle Texas State Bar No. 24043588 1619 Pennsylvania Avenue Fort Worth, Texas 76104 E-mail: kcaglelaw@gmail.com

Tel.: 817.721.5127

David Broiles
Texas State Bar No. 03054500
2400 Indian Cove
Fort Worth, Texas 76108
Email: davidbroiles@gmail.com

Tel. 817.246.7801

### **Certificate of Service**

The undersigned certifies that the Plaintiffs' (1) Complaint for Declaratory and Injunctive Relief, (2) Application for a Preliminary Injunction, and (3) Brief in Support and the Appendix Supporting Plaintiffs' (1) Complaint for Declaratory and Injunctive Relief, (2) Application for a Preliminary Injunction and (3) Brief in Support will be served (1) on the person designated to receive the document in the office of the United States Attorney for the Northern District of Texas by hand delivery at 801 Cherry St., Fort Worth, Texas, and (2) on the United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250 by certified mail and (3) on the Attorney General, United States Department of Justice, 950 Pennsylvania Ave., Washington, D.C. 20530-0001 by certified mail as provided in Federal Rule of Civil Procedure 4(i). Service will be made on the same day the document is filed with the Clerk of the United States District Court, Northern District of Texas, Fort Worth Division.

s/Karín Cagle	
Karin Cagle	